

REMARKS

Claims 1-29 are pending in this application. Claims 1-29 have been rejected under 35 U.S.C. § 103 under 35 U.S.C. § 112. Claims 16-28 have been rejected under 35 U.S.C. § 101. The drawings have been objected to. Claims 1 and 3-29 have been amended. No matter has been added. Reexamination and reconsideration is respectfully requested.

Objection to the Drawings

The Examiner has objected to the drawings because Figures 9-17 are informal. Applicant is preparing formal drawings and will submit formal Figures 9-17 in a supplemental amendment as soon as they become available.

Rejection under 35 U.S.C. §112.

The Examiner has rejected Claims 1-29 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended Claims 1 and 3-29 for clarity. In addressing the Examiner's concerns under 35 U.S.C. § 112, second paragraph, none of the amendments to the claims made herein are made for any reason related to patentability and are not meant to surrender any subject matter under *Festo*.

The Examiner has stated that it is not clear what resources are referred to as internal resources, external resources, organization resources and centralized resources. Applicant has amended the claims such that there is no modifying word in front of the word "resources." Rather, the word "resources" may be taken in the context of the specification as originally filed at, *inter alia*, pages 30-32, which defines a resource as either a "hard" or "soft" resource and provides representative examples for each.

The Examiner has also stated that it is not clear whether users or resources are provisioned. Applicant has amended the claims to further clarify that resources are provisioned to users.

The Examiner has stated that, with respect to Claims 7-14, it is not seen how the respective steps recited therein are related to the steps of the parent claims. Applicant has amended Claims 7-14 so that they now recite that each respective step is made to facilitate the step of cross provisioning. Likewise, Claims 23-28 have been amended to recite the facilitation of resource provisioning by the logical server.

The Examiner has stated that, with respect to Claims 15 and 29, there is no using of the server in a public provisioning infrastructure for provisioning resources. Applicant has amended Claims 15 and 29 to further clarify that the organizations providing the resources exist in a public provisioning infrastructure.

The Examiner has stated that a service provider recited in Claims 16-28 is not a component of an apparatus within the meaning of 35 U.S.C. §101. Applicant has amended Claims 16-28 so that the third party resource provisioning “management service provider” is replaced with a third party resource provisioning “manager.” The Examiner has stated that it is not exactly clear when information is received automatically in Claim 4. Applicant has amended Claim 4 so that it now recites that information is received automatically after the step of establishing. A similar amendment has been made to Claim 14. However, Claims 18 and 22, which are system claims, do not have the timing aspect of method Claims 4 and 14. Thus, no amendment has been made to Claims 18 and 22 with respect to the word “automatically.”

The Examiner has requested applicant to point out the support for “public provisioning infrastructure” in the specification. Applicant respectfully points the Examiner to, *inter alia*, Figures 15 and 16 and page 50, line 3 et seq., which disclose examples of a public provisioning infrastructure.

The Examiner has also requested applicant to identify the support of a “logical server” in the specification. Applicant respectfully points the Examiner to, *inter alia*, page 39, lines 10-11, which discloses an example of a logical server 820.

The Examiner has further requested applicant to identify all the means in Claim 29 in the specification and the drawings under 35 C.F.R. § 175(d1) and § 1.83(a). Applicant respectfully points the Examiner to, *inter alia*, Figure 3 and page 20, line 24 to page 21, line 20,

which disclose examples of user applications 110 which may include a request management application 122 and a policy management application 128, which themselves may be used for establishing or requesting attributes and defining policies, respectfully. Moreover, the user applications 110 may be part of an application's subsystem 102, which may also be seen, *inter alia*, at Figure 3 and at page 19, lines 9-19. In addition, the request management application 122 and policy management application 128, among other applications, may be used for receiving attribute information from each organization and from members of the general public. Also, the policy management application 128 may be used for determining which resource provisioning policies are applicable to users. An example of means for generating a resource provisioning ticket and means for forwarding a resource provisioning ticket maybe found at, *inter alia*, Figure 15 and, page 50, line 12 to page 51, line 8.

Rejection under 35 U.S.C. §103

The Examiner has rejected Claims 1-29 under 35 U.S.C. §103(a) as being unpatentable over Lumelsky, U.S. Patent No. 6,460,082, in view of Schneider, U.S. Patent No. 6,408,336. This rejection is respectfully traversed. Claims 1 and 3-29 have been amended to more clearly recite embodiments of Applicant's invention. None of the amendments to the claims made herein are made for any reason related to patentability and are not meant to surrender any subject matter under *Festo*.

The Examiner asserts that, with respect to Claims 1 and 4, Lumelsky teaches a method for provisioning resources, but does not detail how policies are established. The Examiner cites Schneider for policy establishment. However, neither Lumelsky nor Schneider disclose or suggest features of embodiments of the invention as claimed by Applicant.

As amended, Claim 1 recites a method for provisioning resources comprising, *inter alia*, establishing a set of organizational attributes, organizational information and user roles and defining a plurality of resource provisioning policies for each organization based on selected organizational attributes, organizational information and user roles. A teaching or suggestion of

provisioning resources based on attributes and roles is completely absent from both Lumelsky and Schneider.

Lumelsky is directed toward a system and method for managing resources for provisioning media services in Internet utility environments for the delivery of multi media content. In Lumelsky, the resources managed are multi media resources (see Lumelsky, column 5, lines 5-8). Moreover, in Lumelsky, resources are provisioned based on attributes of the resource itself, not attributes of the organization or roles of users of the resources. (See Lumelsky, column 8, lines 39-47.)

In contrast to Lumelsky, Applicant claims, *inter alia*, establishing a set of organizational attributes, organizational information and user roles for each organization. In addition, the resource provisioning policies are defined for each organization based on the organizational attributes, organizational information and user roles. The resources are then provisioned based on these policies. There is no disclosure or suggestion in Lumelsky of provisioning resources based on organizational attributes or user roles.

Schneider does not make up for the deficiencies of Lumelsky. Schneider is directed toward the control of access to data in a distributed environment. In Schneider, the policies are defined simply to determine whether or not a particular user has access to a particular database or resource. (See Schneider, column 9, lines 52-56.) There is no disclosure or suggestion in Schneider of provisioning resources for a user based on organizational attributes, organizational information or user roles.

Accordingly, Claims 1, 6, 15, 16, 20 and 29 are not disclosed or suggested in Lumelsky or Schneider. Thus, a *prima facie* case of obviousness has not been made. Therefore, withdrawal of the rejection of Claims 1-29 under 35 U.S.C. §103 is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date September 19, 2003

FOLEY & LARDNER
Customer Number: 23392

23392

PATENT TRADEMARK OFFICE

Telephone: (310) 975-7963

Facsimile: (310) 557-8475

By



Irvin C. Harrington, III
Attorney for Applicant
Registration No. 44,740